

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 610**  
FINAL READING

Introduced by Chambers, 11

Read first time January 21, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to indigent defendants; to amend section  
2 29-3904, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to appointment of other counsel; and  
4 to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 29-3904, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   29-3904. (1) Nothing in sections 23-3402, 29-3902, and  
4 29-3903 shall prevent any judge from appointing counsel other than  
5 the public defender or other substitute counsel when the public  
6 defender or counsel initially appointed might otherwise be required  
7 to represent conflicting interests or for other good cause shown,  
8 from not appointing any counsel for any indigent felony defendant  
9 who expressly waives his or her right to such counsel at any stage  
10 of felony proceedings, or from appointing the public defender or  
11 other counsel as may be required or permitted by other applicable  
12 law.

13                   (2) In selecting counsel to represent an indigent felony  
14 defendant, the prosecuting attorney shall not have any role  
15 whatsoever in the selection or appointment process of the counsel  
16 by the court, including, but not limited to, any individual  
17 appointment suggestions.

18                   Sec. 2. Original section 29-3904, Reissue Revised  
19 Statutes of Nebraska, is repealed.